

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WISCONSIN

Royal Credit Union
Plaintiff,

vs.

Mildred L. Hartnell
Frederick W. Hartnell
Ryan T. Bechard
Kathleen L Bechard
Defendants.

**NOTICE OF REMOVAL OF STATE CIVIL
ACTION TO THE ADMIRALTY DIVISION
OF THIS COURT**

WIWD No: **22-cv-10-jdp**
Prize Court in Admiralty

Buffalo Co. Case No.: 2021CV000010

1. I, Ryan Thomas Bechard; am herewith removing Buffalo County Circuit Court case no. 2021CV000010 to this Court's Admiralty Division.

2. Authority for this Removal is per 9 USC § 205. "*Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or **award falling under the Convention**, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.*"

3. The grounds for removal of said State civil action into the Admiralty division of this Federal court is because said State case involves a Shipping Act of 1916 Federal corporation-vessel in my name. Jurisdiction of this Federal district court over said corp.-vessel "in rem" in Admiralty is per Exhibit 1 of this court's case no. 21-cv-00811-jdp.

4. I am herewith making "in rem" claims against the land and improvements of said State case. I am also making "in rem" claims against the corporation-

vessel in my name. Because of my in rem claims against Prize property, this proceeding can only be a “Suit in Admiralty” in Prize court and not a “civil action” at law according to the laws of Exhibit 1.

5. Complaint which states cause of action of maritime tort cognizable under former 46 USCS Appx §§ 741 et seq., but which contains averment that court had jurisdiction under Federal Torts Claims Act, will not be dismissed solely for failure to select appropriate statute; **recitation of statute can neither deprive court of jurisdiction nor confer jurisdiction upon it, and operative facts pleaded confer jurisdiction upon court.** Beeler v United States (1964, CA3 Pa) 338 F2d 687, 9 FR Serv 2d 15A.241, Case 1.

6. According to Federal laws of Exhibit 1; as “Contractor”, “Charterer”, “Operator”, “Indenture Trustee”, “instrumentality of the United States”; along with every other form of fiduciary or contractual nexus; I am deemed a Federal “Agency” and “United States”.

7. As such, there is no filing fee and all costs and expenses of this new Suit in Admiralty are 10 USC §§ 7670 & 7671: *“to be paid out of the fund for paying the expenses of suits in which the United States is a party or is interested.”* From this court’s Fee Schedule; footnote 1; *“Federal agencies or programs funded from judiciary appropriations should not be charged any fees under this schedule.”*

8. Further authority is per 28 USC § 1444. The said State case herewith being removed is a real estate foreclosure civil action. Authority is also according to 28 USC § 1441, 1442 and 1443. A Law Review in re 28 USC § 1441 is herewith included by reference theretofore within case no. 21-cv-00810-jdp. Derivative Removal Jurisdiction of 28 USC § 1441(f) applies invoking Admiralty jurisdiction over this removed case.

9. Said properties are Prize according to the definition thereof in 10 USC Ch. 655 as they are “*appropriated to the use of the United States*”. Said laws of said Exhibit 1 provide Admiralty jurisdiction and Admiralty procedure.

10. 18 USC § 985. Civil forfeiture of real property. (b)(1) Except as provided in this section— (B) the owners or **occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.**

11. I have not been served any of the documents of said State case. Thus, I am herewith moving for a writ of certiorari to bring the State case into this court.

12. A certificate of service of this document upon the parties captioned above will be provided to the court shortly after docketing.

13. “NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL” By filing this notice into the State case is giving notice to all parties who are electronically registered to the State case. RCU has notice through their attorney who is electronically registered to said State case.

14. I DO NOT CONSENT TO REFERRAL OF THIS CASE TO A PART TIME; 14 YEAR TERM; MAGISTRATE JUDGE.

Prayer for Due Process

1st, for the court; if necessary; to issue any and all writs to effectuate the removal of said State civil action into this Federal court’s Admiralty division sitting as a court of Prize.

2nd, for said State civil action to be adjudicated in Admiralty Prize court along with case no. 21-cv-00811-jdp. Counterclaims will be filed into this case. See Exhibit 1 in re “multiplicity of suits”.

Verification

I swear upon oath under penalty of perjury under the laws of the United States of America; 28 USCS § 1746(1); that the matter contained herein insofar as it concerns my act and deed is true and correct; and so far as relates to the act and deed of any other man or woman, is believed by myself to be true:

Ryan Thomas Bechard Ryan Thomas Bechard 5 January, 2022

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